

**FIFTY-FIRST LEGISLATIVE DAY  
TUESDAY, FEBRUARY 25, 2003**

House of Representatives

The House convened at 10:45 a.m., the Speaker in the Chair.

Roll call showed 69 members present.

Absent and excused -- Kellogg. Total -- 1.

Total -- 70.

Prayer was offered by Chaplain Jim Hardenbrook.

The Pledge of Allegiance was led by Janna Hansen, Page.

**Approval of Journal**

February 25, 2003

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Fiftieth Legislative Day and recommend that same be adopted as corrected.

FIELD(18), Chairman

Mrs. Field(18) moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

**Consideration of Messages from the  
Governor and the Senate**

February 24, 2003

Mr. Speaker:

I transmit herewith **SCR 105, SJM 102, SJM 103, S 1115, S 1094, S 1095, and S 1096** which have passed the Senate.

WOOD, Secretary

**SCR 105, SJM 102, SJM 103, S 1115, S 1094, S 1095, and S 1096** were filed for first reading.

February 24, 2003

Mr. Speaker:

I return herewith **H 219 and H 111**, as amended, which have passed the Senate.

WOOD, Secretary

**H 219 and H 111**, as amended, were referred to the Judiciary, Rules, and Administration Committee for enrolling.

**Report of Standing Committees**

February 25, 2003

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION report that we have printed **HCR 25, HCR 26, H 294, H 295, H 296, and H 297**.

FIELD(18), Chairman

**HCR 26** was referred to the Environmental Affairs

Committee.

**H 294 and H 295** were referred to the Resources and Conservation Committee.

**H 296 and H 297** were referred to the State Affairs Committee.

**HCR 25** was filed for second reading.

February 25, 2003

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled **H 89**, as amended, and **H 142**.

FIELD(18), Chairman

The Speaker announced he was about to sign enrolled **H 89**, as amended, and **H 142**, and, when so signed, ordered them transmitted to the Senate for the signature of the President.

February 25, 2003

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled **H 3**, as amended, and **H 72** to the Governor at 11:30 a.m., as of this date, February 24, 2003.

FIELD(18), Chairman

February 24, 2003

Mr. Speaker:

We, your COMMITTEE ON ENVIRONMENTAL AFFAIRS, report that we have had under consideration **S 1106** and recommend that it do pass.

BARRACLOUGH, Chairman

**S 1106** was filed for second reading.

February 24, 2003

Mr. Speaker:

We, your COMMITTEE ON TRANSPORTATION AND DEFENSE, report that we have had under consideration **H 231** and recommend that it do pass.

WOOD, Chairman

**H 231** was filed for second reading.

February 24, 2003

Mr. Speaker:

We, your COMMITTEE ON HEALTH AND WELFARE, report that we have had under consideration **H 213 and H 237** and recommend that they do pass.

SALI, Chairman

**H 213 and H 237** were filed for second reading.

There being no objection, the House advanced to the Seventh Order of Business.

**Motions, Memorials, and Resolutions**

House of Representatives  
State of Idaho

February 25, 2003

The Honorable Doug Jones, Chairman  
Agricultural Affairs Committee

Dear Representative Jones:

I hereby designate the Agricultural Affairs Committee a privileged committee for the purpose of introducing RS 13058 on Monday, February 24, 2003.

Sincerely,  
/s/ BRUCE NEWCOMB  
Speaker of the House

The letter was ordered filed in the Office of the Chief Clerk.

**SCR 105**, by State Affairs Committee, was introduced, read the first time by title, and referred to the Ways and Means Committee.

**SJM 102** and **SJM 103**, by State Affairs Committee, were introduced, read the first time by title, and referred to the Revenue and Taxation Committee.

**Introduction, First Reading, and Reference  
of Bills and Joint Resolutions**

**HOUSE BILL NO. 298  
BY AGRICULTURAL AFFAIRS COMMITTEE  
AN ACT**

RELATING TO IDAHO AGRICULTURAL PRODUCTS; AMENDING CHAPTER 1, TITLE 22, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 22-112, IDAHO CODE, TO AUTHORIZE THE DEPARTMENT OF AGRICULTURE TO PROMULGATE RULES RELATING TO THE PROMOTION AND CERTIFICATION OF IDAHO AGRICULTURAL PRODUCTS, TO PROVIDE FOR CERTAIN FEES RELATING TO VOLUNTARY SERVICES AND PROGRAMS, TO AFFIRM THE AUTHORITY AND RIGHTS OF DESIGNATED ORGANIZATIONS IN REGARD TO CERTAIN IDENTIFICATION MARKS, TO PROVIDE FOR THE VOLUNTARY PARTICIPATION OF DESIGNATED ORGANIZATIONS IN CERTAIN PROMOTIONAL AND CERTIFICATION PROGRAMS AND TO PROVIDE THAT THE IDAHO DEPARTMENT OF AGRICULTURE AND DESIGNATED ORGANIZATIONS SHALL BE EXEMPT FROM CERTAIN LIABILITY RELATING TO PARTICIPATION IN JOINT PROMOTIONAL ACTIVITY; DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

**HOUSE BILL NO. 299  
BY WAYS AND MEANS COMMITTEE**

**AN ACT**

RELATING TO THE EMERGENCY COMMUNICATIONS ACT; AMENDING SECTION 31-4801, IDAHO CODE, TO PROVIDE FURTHER LEGISLATIVE PURPOSE; AMENDING SECTION 31-4802, IDAHO CODE, TO FURTHER DEFINE TERMS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 31-4803, IDAHO CODE, TO PROVIDE FOR A VOTER APPROVED EMERGENCY COMMUNICATIONS FEE, TO PROVIDE WHEN NO FURTHER VOTE IS NECESSARY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 31-4804, IDAHO CODE, TO PROVIDE THE AMOUNT OF THE EMERGENCY COMMUNICATIONS FEE AND TO PROVIDE PROCEDURES; AMENDING CHAPTER 48, TITLE 31, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 31-4804A, IDAHO CODE, TO PROVIDE FOR ESTABLISHMENT OF ENHANCED CONSOLIDATED EMERGENCY COMMUNICATIONS SYSTEMS; AMENDING SECTION 31-4805, IDAHO CODE, TO PROVIDE FOR A GOVERNING BOARD OR ADMINISTRATOR AFTER THE VOTER APPROVAL OF AN EMERGENCY COMMUNICATIONS FEE; AMENDING SECTION 31-4806, IDAHO CODE, TO PROVIDE FOR APPOINTMENT OF AN OFFICIAL OR ADMINISTRATOR TO MAINTAIN, OPERATE, ENHANCE AND GOVERN A CONSOLIDATED EMERGENCY COMMUNICATIONS SYSTEM; AMENDING SECTION 31-4812, IDAHO CODE, TO REVISE IMMUNITY AND CONDITIONS OF LIABILITY STANDARDS IN PROVIDING EMERGENCY COMMUNICATIONS SERVICES; AMENDING CHAPTER 48, TITLE 31, IDAHO CODE, BY THE ADDITION OF NEW SECTIONS 31-4813 AND 31-4814, IDAHO CODE, TO PROVIDE APPLICATION TO PREPAID CALLING CARDS, AND TO PROVIDE FOR CONFIDENTIAL AND PROPRIETARY DATA.

**HOUSE BILL NO. 300  
BY EDUCATION COMMITTEE  
AN ACT**

RELATING TO HIRING OF PROFESSIONAL PERSONNEL OF A SCHOOL DISTRICT; AMENDING SECTION 33-513, IDAHO CODE, TO REQUIRE THAT NOTICE BE GIVEN WHEN HIRING PERSONNEL WITH A SIGNED CONTRACT IN ANOTHER DISTRICT AND TO MAKE A TECHNICAL CORRECTION.

**HOUSE BILL NO. 301  
BY EDUCATION COMMITTEE  
AN ACT**

RELATING TO CREATION OF A RURAL PHYSICIAN INCENTIVE PROGRAM; AMENDING CHAPTER 37, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-3723, IDAHO CODE, TO AUTHORIZE ASSESSMENT OF A FEE; AMENDING CHAPTER 37, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-3724, IDAHO CODE, TO PROVIDE FOR PAYMENTS FROM THE INCENTIVE FUND; AND AMENDING CHAPTER 37, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-3725, IDAHO CODE, TO PROVIDE FOR PAYMENTS FROM THE FUND

FOR RURAL PHYSICIAN INCENTIVES.

**HOUSE BILL NO. 302**  
**BY REVENUE AND TAXATION COMMITTEE**  
**AN ACT**

RELATING TO PROPERTY TAX APPEALS; AMENDING SECTION 63-409, IDAHO CODE, TO PROVIDE THAT IN AN APPEAL TAKEN REGARDING VALUATIONS OF OPERATING PROPERTY THE BURDEN OF PROOF SHALL FALL ON THE PARTY SEEKING AFFIRMATIVE RELIEF, TO PROVIDE STANDARDS AND TO PROVIDE FOR PROCEDURES; AMENDING SECTION 63-502, IDAHO CODE, TO PROVIDE THAT IN AN APPEAL TO THE BOARD OF EQUALIZATION THE TAXPAYER SHALL HAVE THE BURDEN OF PROOF IN SEEKING AFFIRMATIVE RELIEF AND TO PROVIDE A STANDARD OF EVIDENCE; AMENDING SECTION 63-511, IDAHO CODE, TO PROVIDE THAT IN APPEALS TAKEN TO THE BOARD OF TAX APPEALS OR DISTRICT COURT, THE BURDEN OF PROOF SHALL FALL UPON THE PARTY SEEKING AFFIRMATIVE RELIEF, TO PROVIDE STANDARDS AND TO PROVIDE PROCEDURES; AMENDING SECTION 63-3812, IDAHO CODE, TO PROVIDE THAT THE BURDEN OF PROOF SHALL FALL UPON THE PARTY SEEKING AFFIRMATIVE RELIEF, TO PROVIDE STANDARDS AND TO PROVIDE FOR PROCEDURES; DECLARING AN EMERGENCY AND PROVIDING APPLICATION.

**H 298, H 299, H 300, H 301, and H 302** were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

**S 1115, S 1094, S 1095, and S 1096**, by Judiciary and Rules Committee, were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee.

There being no objection, the House advanced to the Tenth Order of Business.

**Second Reading of Bills and Joint Resolutions**

At this time Mr. Deal took the Chair.

**H 259**, by State Affairs Committee, was read the second time by title and filed for third reading.

**Third Reading of Bills and Joint Resolutions**

Mr. Denney asked unanimous consent that **H 293** be placed at the top of the Third Reading Calendar. There being no objection, it was so ordered.

**H 293** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mrs. Bell and Mr. Bedke to open debate.

The question being, "Shall **H 293** pass?"

Roll call resulted as follows:

AYES -- Barraclough, Barrett, Bauer, Bedke, Bell, Black, Block, Bolz, Bradford, Collins, Crow, Deal, Denney, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Kulczyk, Lake, Langford, McGeachin, McKague, Moyle, Nielsen, Raybould, Ring, Roberts, Rydallch, Sali, Schaefer, Skippen, Stevenson, Tilman, Wills, Wood, Mr. Speaker. Total -- 39.

NAYS -- Andersen, Bieter, Boe, Campbell, Cannon, Clark, Cuddy, Douglas, Eberle, Edmunson, Henbest, Jaquet, Jones, Langhorst, Martinez, Meyer, Miller, Mitchell, Naccarato, Ridinger, Ringo, Robison, Sayler, Shepherd, Shirley, Smith(30), Smith(24), Smylie, Snodgrass, Trail. Total -- 30.

Absent and excused -- Kellogg. Total -- 1.

Paired Votes:

AYE -- Nielsen. NAY -- Shepherd.

AYE -- Stevenson. NAY -- Jones.

AYE -- Wood. NAY -- Naccarato.

(Pairs enumerated in roll call above.)

Total -- 70.

Whereupon the Speaker Pro Tem declared **H 293** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

Mr. Denney asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places for one Legislative Day. There being no objection, it was so ordered.

There being no objection, the House advanced to the Sixteenth Order of Business.

**Adjournment**

Mr. Denney moved that the House adjourn until 10:45 a.m., Wednesday, February 26, 2003. Seconded by Ms. Jaquet. Motion carried.

Whereupon the Speaker Pro Tem declared the House adjourned at 1:31 p.m.

BRUCE NEWCOMB, Speaker

ATTEST:

PAMM JUKER, Chief Clerk